JAN 2 0 2017

LOS ANGELES WATERKEEPER®

January 13, 2017

SENT VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

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Re: Notice of Violation and Intent to File Suit Under the Federal Water Pollution Control Act

To Whom It May Concern:

I am writing on behalf of Los Angeles Waterkeeper ("Waterkeeper") regarding violations of the Clean Water Act[1] ("CWA" or "Act") and California's General Industrial Storm Water Permit[2] ("General Industrial Permit" or "Permit") occurring at the industrial facility at 1956 East 48th Street, Los Angeles CA 90058 ("Facility"). This communication ("Notice Letter") is prepared pursuant to the Act, 33. U.S.C. §§ 1365(a) and (b), and is sent to you and the Ajax Forge Company, Inc. ("Ajax" or "Owner") as the responsible owners and/or operators of the Facility in order to: 1) detail violations of the Act and General Industrial Permit occurring at the Facility, and b) provide formal notice that Waterkeeper intends to file a federal enforcement action against Ajax for violations of Sections 301 and 402 of the Act, 33 U.S.C. §§ 1311, 1342.

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[1] Federal Water Pollution Control Act 33 U.S.C. § 1251 *et seq.*

[2] National Pollution Discharge Elimination System ("NPDES") General Permit No. CAS000001, Water Quality Order No. 92-12-DWQ, Order No. 97-03-DWQ, as amended by Order No. 2014-0057-DWQ. Between 1997 and June 30, 2015, the Storm Water Permit in effect was Order No. 97-03-DWQ ("1997 Permit"), which as of July 1, 2015, was superseded by Order No. 2014-0057-DWQ ("2015 Permit"). The 2015 Permit and the 1997 Permit contain the same fundamental requirements and implement the same statutory mandates. Waterkeeper may refer to the two versions of the permit interchangeably as the "General Permit" or "Permit."

I. Background

A. Los Angeles Waterkeeper

Waterkeeper is a non-profit public benefit corporation organized under the laws of California and is located at 120 Broadway, Suite 105, Santa Monica, California 90401. Waterkeeper is an organization of the Waterkeeper Alliance, which is the world's fastest growing environmental movement.

Founded in 1993, Waterkeeper is dedicated to the preservation, protection, and defense of the inland and coastal surface and groundwaters of Los Angeles County from all sources of pollution and degradation. The organization works to achieve this goal through a synergy of education, outreach, organizing, litigation and regulatory programs that ensure the protection and enhancement of Los Angeles County's water resources.

Where necessary to achieve its objectives, Waterkeeper directly initiates enforcement actions under the Act on behalf of itself and its approximately 3,000 members who reside in Los Angeles County, many of whom recreate in and around the Los Angeles River, Los Angeles River Estuary and Pacific Ocean. Waterkeeper members use these waters, connected waterways, the ocean and beaches to fish, surf, swim, sail, SCUBA and free dive, kayak, bird watch, view wildlife, hike, bike, walk, and run. Additionally, Waterkeeper members use the waters to engage in scientific study through pollution and habitat monitoring and restoration activities. The unlawful discharge of pollutants from the Facilities into local surface waters impairs the ability of Waterkeeper members to use and enjoy these waters. Thus, Waterkeeper's interests have been, are being, and will continue to be adversely affected by the Facilities' failure to comply with the Act and Permit.

B. The Clean Water Act

The objectives of the Act are to "restore and maintain the chemical, physical and biological integrity of the Nation's waters." 33 U.S.C. §§ 1251(a), 1311(b)(2)(A). To this end, the Act prohibits the discharge of pollutants from any point source into waters of the United States except in compliance with other requirements of the Act, including Section 402, which provides for NPDES permits. 33 U.S.C. §§ 1311(a), 1342(p), 40 C.F.R. § 122.26(c)(1). In California, the EPA has delegated it authority to issue NPDES permits to the State Water Resources Control Board ("State Board"). 33 U.S.C. §§ 1342(b), (d). The Los Angeles Regional Water Quality Control Board ("Regional Board") is responsible for issuance and enforcement of the General Permit in Region 4, which covers the Facility owned by Ajax.

Section 505 authorizes citizens to file suit in federal court against facilities alleged to be in violation of the Act and/or related permits. 33 U.S.C. § 1365(a). Section 505(b) of the Act requires citizens to give notice to alleged violators at least sixty (60) days before initiating civil action under Section 505(a). 33 U.S.C. § 1365(b). Notice must be given to the alleged violator(s), the Administrator of the United States Environmental Protection Agency ("EPA"), the Regional Administrator of EPA, the Executive Officer of the water pollution control agency in the State in which the alleged violations occur, and, if the violator is a corporation, the registered agent of the corporation. 40 C.F.R. § 135.2(a)(1). Unless Ajax takes appropriate action to remedy ongoing violations of the Act, Waterkeeper will file suit in U.S. District Court

following expiration of the 60-day notice period, seeking civil penalties, injunctive relief, fees and costs. Ajax is subject to civil penalties for all violations of the Act occurring at the Facility since January 13, 2012.[3]

C. The Facility

Information available to Waterkeeper indicates that the Facility serves the aerospace, defense and automotive industries, and is AS 9100, ISO 9001 and 2008 NADCAP certified. The Facility has been enrolled in the Permit since at least February 23, 1998 under the Waste Discharge Identification No. 4 19I000107. Two Notices of Intent to Comply With the Terms of the General Permit to Discharge Storm Water Associated with Industrial Activity ("NOI") have certified, in 1998 and again in 2014, that the Facility is classified under Standard Industrial Classification ("SIC") code 3462 ("Iron and Steel Forgings"). Information available to Waterkeeper indicates that industrial activities occurring on site include, but are not limited to, forging and hammering, chemical coatings/applications, welding, deburring, grinding/polishing, machinery and vehicle maintenance, material and waste storage (including hazardous waste designated under section 101(14) of Comprehensive Environmental Response, Compensation, and Liability Act, ("CERCLA") *see* 40 CFR 372.65).

EPA's Industrial StormWater Fact Sheet for Sector AA: Fabricated Metal Products Manufacturing Facilities[4] indicates that polluted discharges from industrial activities like those conducted at the Facility commonly contain substances affecting pH; metals, such as iron, aluminum, and nickel; toxic metals, such as lead, zinc, cadmium, chromium, and copper; organics; chemical oxygen demand ("COD"); biological oxygen demand ("BOD"); total suspended solids ("TSS")[5]; fuel additives, gas/diesel fuel, oil and grease ("O&G"); coolants and solvents; acid/alkaline waste; and, trash and debris. Many of these pollutants are on the list of chemicals published by the State of California as known to cause cancer, birth defects, and developmental or reproductive harm. Discharges of polluted storm water to the local surface waters pose carcinogenic and reproductive toxicity threats to the public and adversely affect the aquatic environment.

Information available to Waterkeeper indicates that the Facility is comprised of: one large, open-air building ("Hammering Department"); several smaller buildings that house shipping and receiving, an administrative office and other auxiliary services; a driveway to the East and an

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[3] Ajax and the Facility are liable for violations of both the 1997 Permit, and ongoing violations of the 2015 Permit. *See Illinois v Outboard Marine, Inc.* 680 F.2d 473, 480-81 (7th Cir. 1982) (granting relief for violations of an expired permit); *Sierra Club v Aluminum Co of Am.*, 585 F. Supp. 842, 853-54 (N.D.N.Y 1984) (holding that the Clean Water Act's legislative intent and public policy favor allowing penalties for violations of expired permits); *Pub. Interest Research Group of N.J. v Carter Wallace, Inc.* 684 F. Supp. 115, 121-22 (D.N.J. 1988) (holding that limitations of an expired permit, when transferred to a newly issued permit, are viewed as currently in effect for enforcement purposes).

[4] *Available at* https://www3.epa.gov/npdes/pubs/sector_aa_fabmetal.pdf

[5] High concentrations of TSS degrade optical water quality by reducing water clarity and decreasing light available to support photosynthesis. TSS has been shown to alter predator prey relationships (for example, turbid water may make it difficult for fish to hunt prey). Deposited solids alter fish habitat, aquatic plants, and benthic organisms. TSS can also be harmful to aquatic life because numerous pollutants, including metals and polycyclic aromatic hydrocarbons, are absorbed onto TSS. Thus, higher concentrations of TSS results in higher concentrations of toxins associated with those sediments. Inorganic sediments, including settleable matter and suspended solids, have been shown to negatively impact species richness, diversity, and total biomass of filter feeding aquatic organisms on bottom surfaces.

alleyway on the West side of the buildings; and a large rectangular yard North of the buildings, adjacent to an unused railroad right-of-way.

Information available to Waterkeeper indicates that the Facility's stormwater discharges from at least three discharge points—South Driveway, East Driveway and West Driveway—to the storm drain system (BI 0588 – Line A) operated by the County of Los Angeles, which flows to the Los Angeles River.

D. Receiving Waters

With every significant rainfall event, millions of gallons of polluted storm water originating at industrial facilities pour into storm drains and waterways across Los Angeles County. The consensus among agencies and specialists is that storm water pollution accounts for more than half of the total pollution entering surface waters each year. These discharges contribute not only to the impairment of the waters receiving polluted discharges, but all downstream waters including the Pacific Ocean. Contaminated discharges threaten the health of the aquatic and associated terrestrial ecosystems in the receiving waters, we well as the health and welfare of communities that live near and/or use these resources.

The Facility's stormwater discharges drain to Reach 2 of the Los Angeles River ("LAR") for as many as five miles where it empties into the Reach 1 of the River, and ultimately to the Pacific Ocean via the Los Angeles River Estuary and San Pedro Bay (collectively "Receiving Waters").

The Regional Board identifies beneficial uses of the LAR, the Los Angeles River Estuary, and the San Pedro Bay and establishes water quality standards for these waters in the *Water Quality Control Plan – Los Angeles Region: Basin Plan for the Coastal Watersheds of Los Angeles and Ventura Counties*[6] (adopted June 13, 1994, as amended) ("Basin Plan"). The beneficial uses of these waters include, among others, municipal and domestic supply, groundwater recharge, water contact recreation, non-contact water recreation, warm freshwater habitat, wildlife habitat, wetland habitat, marine habitat, rare, threatened, or endangered species, preservation of biological habitats, migration of aquatic organisms, spawning, reproduction, and/or early development, and shellfish harvesting. The non-contact water recreation use is defined as "[u]ses of water for recreational activities involving proximity to water, but not normally involving contact with water where water ingestion is reasonably possible. These uses include, but are not limited to, picnicking, sunbathing, hiking, beachcombing, camping, boating, tidepool and marine life study, hunting, sightseeing, or aesthetic enjoyment in conjunction with the above activities." Basin Plan at 2-2. Contact recreation use includes fishing and wading. Basin Plan at 2-2.

The Basin Plan includes a narrative toxicity standard which states that "[a]ll waters shall be maintained free of toxic substances in concentrations that are toxic to, or that produce detrimental physiological responses in, human, plant, animal, or aquatic life." Basin Plan at 3-38. The Basin Plan includes a narrative oil and grease standard which states that "[w]aters shall not contain oils, greases, waxes, or other materials in concentrations that result in a visible film or coating on the surface of the water or on objects in the water, that cause nuisance, or that

[6] *Available at* http://www.waterboards.ca.gov/losangeles/water_issues/programs/basin_plan/.

otherwise adversely affect beneficial uses." Basin Plan at 3-29. The Basin Plan provides that "[w]aters shall not contain suspended or settleable material in concentrations that cause nuisance or adversely affect beneficial uses." Basin Plan at 3-37. The Basic Plan provides that "[t]he pH of inland surface waters shall not be depressed below 6.5 or raised above 8.5 as a result of waste discharges." Basin Plan at 3-35. The Basin Plan provides that "[s]urface waters shall not contain concentrations of chemical constituents in amounts that adversely affect any designated beneficial use." Basin Plan at 3-24. The Basin Plan provides that "[w]aters shall not contain floating materials, including solids, liquids, foams, and scum, in concentrations that cause nuisance or adversely affect beneficial uses." Basin Plan at 3-26. The Basin Plan provides that "[w]aters shall be free of coloration that causes nuisance or adversely affects beneficial uses." Basin Plan at 3-25. The Basin Plan provides that "[w]aters shall be free of changes in turbidity that cause nuisance or adversely affect beneficial uses." Basin Plan at 3-38. The Basin Plan provides that "[w]aters shall not contain taste or odor-producing substances in concentrations that impart undesirable tastes or odors to fish flesh or other edible aquatic resources, cause nuisance, or adversely affect beneficial uses." Basin Plan at 3-37.

The EPA has adopted freshwater numeric water quality standards for zinc of 0.120 mg/L (Criteria Maximum Concentration – "CMC"), for copper of 0.013 mg/L (CMC), and for lead of 0.0025 mg/L (Criteria Continuous Concentration – "CCC"). 65 Fed. Reg. 31712 (May 18, 2000) (California Toxics Rule – "CTR").[7]

According to the 2012 303(d) List of Impaired Water Bodies,[8] Reaches 1 and 2 of the Los Angeles River are impaired by pollutants such as pH, cyanide, diazinon, lead, nutrients, ammonia, cadmium, coliform bacteria, copper, trash, zinc, and oil. The Los Angeles River Estuary is impaired by, among other pollutants, chlordane, sediment toxicity, and trash.[9] The Los Angeles/Long Beach Harbor is impaired by at least chrysene, copper, sediment toxicity, mercury, and zinc.[10] The San Pedro Bay is impaired by sediment toxicity, and the Long Beach City Beach, one of the San Pedro Bay beaches, is impaired by indicator bacteria.[11]

The Receiving Waters are ecologically sensitive areas. Although pollution and habitat destruction have drastically altered the natural ecosystem, the Receiving Waters are still essential habitat for dozens of fish and bird species, as well as macro-invertebrate and invertebrate species. Storm water and non-storm water contaminated with sediment, heavy metals, and other pollutants harm the special aesthetic and recreational significance the Receiving Waters have for people in surrounding communities, including Waterkeeper members. The public's use of the Receiving Waters for water contact sports and fishing exposes many people to toxic metals, pathogens, bacteria and other contaminants in storm water and non-storm water discharges. Non-contact recreational and aesthetic opportunities, such as wildlife observation, are also impaired by polluted discharges to the Receiving Waters.

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[7] These values are expressed as a function of total hardness (mg/L) in the water body and correspond to a total hardness of 100 mg/L, which is the default listing in the California Toxics Rule.
[8] *Available at* http://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2012.shtml
[9] *Id.*
[10] *Id.*
[11] *Id.*

II. Storm Water Permitting and Enforcement

A. Storm Water Permitting

The Act prohibits any discharges of storm water associated with industrial activities (and authorized non-storm water discharges) that have not been subjected to Best Available Technology Economically Achievable ("BAT") for toxic[12] or non-conventional pollutants, and Best Conventional Pollution Control Technology ("BCT") for conventional pollutants[13] (33 U.S.C. §§ 1311(b)(2)(A), (B)). However, regulators recognize the strain that strict application of the statutory standard would impose on industry, as well as the challenge in defining and enforcing the standard. Thus, rather than requiring the specific application of BAT or BCT techniques to each individual discharge of storm water, compliance with the terms of conditions of California's Permit serves as a proxy for compliance with the Federal Statute. *See e.g.* 1997 Permit, Finding 10.

Compliance with the General Industrial Permit, therefore, constitutes compliance with the Act for purposes of storm water discharges. 33 U.S.C. §§ 1311(b)(2)(A), 1311(b)(2)(E). Conversely, failures to comply with the Permit's terms and conditions constitute violations of the Act. *See* 1997 Permit, Section C(1); *see also* 2015 Permit, Section XXI(A). The Permit essentially requires facility owners/operators to adhere to the following requirements: i) submit an NOI certifying the type(s) of activity undertaken at a facility, and committing the operator to comply with the terms and conditions of the Permit; ii) eliminate unauthorized non-storm water discharges;[14] iii) develop and implement a SWPPP that assesses sources of pollutants, and describes Best Management Practices ("BMPs") that will reduce or prevent pollutants in storm water discharges; iv) monitor, sample and/or analyze storm water discharges and authorized non-storm water discharges; and v) file complete and accurate Annual Reports by July 15 of each year, in which the owner/operator must describe the facility, summarize the past year's industrial activities and certify compliance with the terms and conditions of the Permit.

The Permit's principal mechanisms for ascertaining compliance with the Act's BAT/BCT mandate, therefore, are to require: a) the preparation and implementation of a comprehensive SWPPP that describes sufficient BMPs; and b) the development and implementation of a Monitoring and Reporting Program ("M&RP"), which emphasizes the collection and analysis of stormwater discharges to inform owners/operators regarding commensurate changes to BMPs that are necessary to comply with the Permit and Act.

All facilities must analyze each sample for three sets of pollutants—basic parameters, industry-specific parameters, and site-specific parameters. Basic parameters are those standard pollutants for which every industrial facility must test, and include TSS, pH, Specific

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[12] Toxic pollutants are listed at 40 C.F.R. § 401.15 and include copper, lead and zinc, among others.
[13] Conventional pollutants include Total Suspended Solids, Oil and Gas, pH, biochemical oxygen demand and fecal coliform. 40 C.F.R. § 401.16. All other pollutants are either toxic or nonconventional.
[14] Discharge Prohibition A(1) of the 1997 Permit and Discharge Prohibition III(B) of the 2015 Permit prohibit the discharge of materials other than storm water (defined as non-storm water discharges) that discharge either directly or indirectly to waters of the United States. Discharge Prohibition A(2) of the 1997 Permit and Discharge Prohibition III(C) of the 2015 Permit prohibit storm water discharges and authorized non-storm water discharges that cause or threaten to cause pollution, contamination, or nuisance.

Conductance ("SC")[15], and either TOC or O&G. 1997 Permit, Section B(5)(c)(i); 2015 Permit, Sections XI(B)(6)(a)-(b). Industry-specific parameters are those commonly associated with activities in the particular industry, and are set in relationship to facility's SIC code. 1997 Permit, Section B(5)(c)(iii); 2015 Permit, Section XI(B)(6)(d). Lastly, site-specific parameters are those pollutants associated with processes and activities at a particular facility. 1997 Permit, Section B(5)(c)(ii); 2015 Permit, Section XI(B)(6)(c).

Facility owners and operators must then compare analytical data to numeric values ("Benchmarks") published by the EPA that serve as objective measures for evaluating whether a facility's BMPs achieve the statutory BAT/BCT standards, and are therefore operating in compliance with the Act. *See United States Environmental Protection Agency NPDES Multi-Sector General Permit for Storm Water Discharges Associated with Industrial Activity*, 80 Fed. Reg. 34,403, 34,405 (June 16, 2015); MSGP, 73 Fed. Reg. 56,572, 56,574 (Sept. 29, 2008); MSGP, 65 Fed. Reg. 64,746, 64,766-67 (Oct. 30, 2000) (as modified effective May 9, 2009). Under certain conditions, a facility will also be required to compare analytical data to numeric and narrative limits established elsewhere, including in the Basin Plan and CTR.

The 1997 Permit embodied an iterative and flexible approach whereby the analyses of storm water samples was supposed to inform a permittee as to the efficacy of its BMPs. The 1997 Permit optimistically envisioned a process whereby facility owners/operators would proactively revise BMPs so as to reduce pollutant concentrations to within numeric or narrative limits. In response to a widespread industry practice of ignoring and/or avoiding the voluntary iterative process, the 2015 Permit established numeric action levels ("NALs") and a compulsory BMP-review process. *See* 2015 Permit Factsheet at 55-60. An exceedance of a NAL triggers a requirement under which dischargers must prepare various Exceedance Response Actions ("ERAs"), i.e. design and implement improved BMPs, and revise the facility SWPPP. 2015 Permit, Section XII.

B. Citizen Enforcement

In designing the Act, Congress acknowledged "the Government simply is not equipped to take court action against the numerous violations [...] likely to occur [under the Act]." 116 Cong. Rec. 33,104 (1970) (statement of Sen. Hart).[16] In anticipating this challenge, Congress crafted Section 505 to encouraged citizen plaintiffs to act as "private attorney's general." Citizen plaintiffs, therefore, fill a critical social role by enforcing the Act's mandate and are "welcomed participants in the vindication of environmental interests." *Friends of the Earth v. Carey*, 535 F.2d 165, 172 (2nd Cir. 1976).

Citizen plaintiffs also fill an essential economic role. Water pollution results in inefficient economic outcomes caused by market failures frequently associated with common pool resources like surface waters and oceans. Enforcement actions under Section 505 help correct these market failures by forcing firms to internalize the welfare impacts (i.e. costs) of

[15] The 2015 Permit does not require facilities to analyze samples for Specific Conductance.
[16] *See also* 116 Cong. Rec. 33,104 (1970) (statement of Sen. Muskie) "I think it is too much to presume that, however well staffed or well intentioned these enforcement agencies are, they will be able to monitor the potential violations of all the requirements contained in the implementation plans that will be filed under this act, all the other requirements of the act, and the responses of the enforcement officers to their duties."

water pollution that would otherwise be borne by society. Society at large pays handsomely when business owners fail to operate efficiently. The most common costs are associated with human illness (health care costs, lost productivity, etc.), habitat loss and ecosystem service disruption, wildlife disturbances, and detrimental impacts to tourism.

C. Standards Applicable Under the Act and Permit[17]

As described above, the Act prohibits discharging pollutants to waters of the United States from a point source, except as permitted under an NPDES permit, such as California's General Industrial Permit. *See* 33 U.S.C. §§ 1311(a), 1342; 40 C.F.R. § 122.26(c)(1). The 1997 Permit and the 2015 Permit both require that dischargers meet all applicable provisions of Act's Sections 301 and 402.

1. *Effluent Limitation*

The Permit prohibits any discharges of storm water associated with industrial activities or authorized non-storm water discharges that have not been subjected to BAT or BCT. 1997 Permit, Section B(3), 2015 Permit, Section V(A). The Permit requires dischargers to reduce or prevent pollutants in their storm water discharges through implementation of BAT for toxic and nonconventional pollutants and BCT for conventional pollutants. BAT and BCT include both nonstructural and structural measures. *See* 1997 Permit, Section A(8); 2015 Permit, Section X(H).

EPA benchmarks and/or NALs established for conventional and industry specific pollutants discharged from the Facility, and for which Ajax must analyze samples, are summarized below at TABLE 1.

TABLE 1
BENCHMARK AND NAL VALUES APPLICABLE TO THE FACILITY

PARAMETER/ POLLUTANT	EPA BENCHMARK	ANNUAL NAL	INSTANTANEOUS MAXIMUM NAL
pH	6.0-9.0 s.u.	n/a	6.0-9.0 s.u.
TSS	100 mg/L	100 mg/L	400 mg/L
O&G	15 mg/L	15 mg/L	25 mg/L
SC	200 uhmos/cm	200 uhmos/cm	n/a
TOC	110 mg/L	110 mg/L	n/a
COD	120 mg/L	120 mg/L	n/a
Al	0.75 mg/L	0.75 mg/L	n/a
N+N	0.68 mg/L	0.68 mg/L	n/a
Fe	1.0 mg/L	1.0 mg/L	n/a
Zn	0.117 mg/L	0.26 mg/L	n/a
Pb	0.0816 mg/L	n/a	n/a
Cu	0.0332 mg/L	0.0332 mg/L	n/a

[17] The description of standards applicable under the Act and Permit are not intended as a comprehensive recitation of every potential requirement, nor a complete description of each standard addressed. Rather, this section of the Notice Letter is intended to summarize the most relevant standards to facilities like those operated by Ajax.

2. Receiving Water Limitations

The Permit prohibits storm water discharges and authorized non-storm water discharges that cause or contribute to an exceedance of an applicable Water Quality Standard ("WQS"), as defined in, *inter alia*, the Basin Plan and CTR.[18] 1997 Permit, Section C(2); 2015 Permit, Section VI(A). Discharges that contain pollutants in excess of an applicable WQS violate these Receiving Water Limitations.

The Permit also prohibits storm water discharge and authorized non-storm water discharges to surface waters that adversely impact human health or the environment. 1997 Permit, Section C(1); 2015 Permit, Section VI(B). Thus, any discharge that contains pollutant concentrations exceeding levels that adversely impact aquatic species, the environment and/or human health constitute violations of the these Receiving Water Limitations.

3. *Discharge Prohibitions*

In addition to the limitations discussed above, the Permit contains certain outright prohibitions. The General Industrial Permit prohibits the discharge of materials other than storm water ("non-storm water discharges" or "NSWD") directly or indirectly to waters of the United States. 1997 Permit, Section A(1); 2015 Permit, Section III(B). The Permit also prohibits storm water discharges that cause or threaten to cause pollution or contamination. 1997 Permit, Section A(2); 2015 Permit, Section III(C).

4. *Monitoring and Reporting Requirements*

Under the Permit, facility operators must develop and implement a storm water M&RP prior to conducting, and in order to continue, industrial activities. The primary objective of the M&RP is to detect and measure concentrations of pollutants in a facility's storm water discharges to ensure compliance with the Permit's Effluent Limitations, Receiving Water Limitations and Discharge Prohibitions. *See* 1997 Permit, Section B(2); *see also* 2015 Permit, Section X(I). A legally adequate M&RP ensures that BMPs achieve BAT/BCT, and is evaluated at least annually. The foundational element of a legally adequate M&RP is the creation and implementation of a comprehensive site-specific SWPPP that is: a) crafted to achieve compliance with the Permit; and b) revised in response to lessons learned from data analyses and the prior year's implementation.

The principal M&RP requirements imposed by the 1997 Permit and 2015 Permit are substantially identical. *Compare* 1997 Permit, Sections B(3)-(16) *to* 2015 Permit, Sections X(I), XI(A)-(D). The 1997 Permit required facilities conduct quarterly visual observations of all drainage areas for the presence of authorized and unauthorized non-storm water discharges. 1997 Permit, Section B(3). The 2015 Permit increased the frequency of visual observations to monthly, and requires that observations be completed at the same time samples are collected. 2015 Permit, Section XI(A). The Permit requires that facilities complete visual observations of storm water discharges from one event per month during the wet season. 1997 Permit, Section B(4); 2015 Permit, Section XI(A)(2). Dischargers must document observations, and any responses taken to address problems observed, including revisions made to the SWPPP. 1997

[18] Industrial storm water discharges must strictly comply with water quality standards, including those criteria listed in the applicable basin plan. *See Defenders of Wildlife v. Browner*, 191 F.3d 1159, 1166-67 (9th Cir. 1999).

Permit, Sections B(3)-(4); 2015 Permit, Sections XI(A)(2)-(3). The Permit requires facilities to collect samples of storm water discharges from each of the discharge locations from at least two storm events under the 1997 Permit and at least 4 storm events under the 2015 Permit[19]—taking care that water collected is representative of the discharge from each discharge point. 1997 Permit, Sections B(5), (7); 2015 Permit, Sections XI(B)(1)-(5). All sampling analysis data must be submitted via SMARTS within thirty days of obtaining results. 2015 Permit, Section XI(B)(11).

III. Violations of the Clean Water Act and the Storm Water Permit

In the years since enrolling in the Permit, Ajax has failed to carry out its obligations under both the Permit and Act. As discussed in further detail below, the Facility is in ongoing violation of the Permit, and its violations span both the 1997 Permit and 2015 Permit. Specifically, the Facility discharges pollutants in violation of the Permit's Effluent Limitations, Receiving Water Limitations and Discharge Prohibitions; failed to develop a legally adequate M&RP; failed to develop, implement and/or update a legally adequate SWPPP to ensure the development and implementation of BMPs that achieve BAT/BCT; and failed to submit accurate and complete Annual Reports. Ajax is subject to civil penalties for all violations of the Clean Water Act detailed below occurring since January 13, 2012.

A. Discharges of Storm Water in Violation of Effluent Limitations

Information available to Waterkeeper indicates that the Facility has failed and continues to fail to reduce or prevent pollutants associated with industrial activity in storm water discharges through implementation of BMPs that achieve BAT/BCT as required by the Act and Permit.

In addition to evidence based on analytical data (detailed below), Waterkeeper alleges violations of the Effluent Limitations by reference to data recorded by the Regional Board during a site inspection/report in 2011 (Notice of Violation – "NOV") and its own site investigation conducted on December 8, 2016. The Regional Board's NOV, a .pdf of which is attached hereto as Exhibit A, noted "major violations" at the Facility in a variety of areas, including specific failures regarding "Material Handling, and Storage Areas" and "Non-Structural BMPs." The NOV further explained that the Regional Board's agent reported "exposed rusty metals and empty oil drums," as well as "[r]usty metal stains on the ground, metal residues and waste on the ground." These descriptions and the photographs taken by the Regional Board match, with uncanny precision, the state of the Facility as found by Waterkeeper during its site investigation. From the sidewalk (North of the Facility) and abandoned railroad right-of-way (South of the Facility), Waterkeeper's agent noted rust stains covering most of the Facility's outdoor hardscape, rusty machinery and scrape metal piled and exposed to the elements, empty oil drums without the benefit of any type of covering or secondary containment, massive quantities of metal waste and metal dust in virtually every part of the Facility. Indeed the sidewalk in front of the Facility is stained with rust, indicating regular and consistent exposure of public areas to iron. Observations by the Regional Board and Waterkeeper provide clear and convincing evidence of a continuous failure to implement even the minimum BMPs required by the Permit.

[19] The 2015 Permit requires facilities to collect samples from each discharge location from two storm events within the first half of each reporting year (July 1-Dec. 31) and two storm events from the second half of each reporting year (Jan. 1-Jun 30).

pollution, and contamination of the Receiving Waters. *See* 1997 Permit, Section A(1); 2015 Permit, Section III(C).

Waterkeeper puts Ajax on notice that the Permit's Receiving Water Limitations and Discharge Prohibitions are violated each time storm water discharges from the Facility. *See, e.g.*, Exhibit 2 (setting forth dates of significant rain events). These discharge violations are ongoing and will continue every time Ajax discharges polluted storm water without developing and/or implementing BMPs that achieve compliance with the BAT/BCT standards. Waterkeeper will update the dates of violations when additional information and data become available. Each time the Facility discharges polluted storm water in violation of the Permit's Receiving Water Limitations and Discharge Prohibitions is a separate and distinct violation of the Storm Water Permit and Section 301(a) of the Clean Water Act, 33 U.S.C. § 1311(a).

C. Failure to Develop and Implement an Adequate Monitoring and Reporting Program.

As described above, the Permit requires Ajax to develop and implement an M&RP that allows it to measure pollutant concentrations in the Facility's discharges and then make commensurate revisions to its BMPs to ensure compliance with the Permit and Act. Ajax has been and continues to conduct operations at the Facility with a legally inadequate and poorly implemented M&RP. Waterkeeper's principal concerns are the Facility's woeful record of collecting storm water samples, and its unqualified failure to analyze sample for all parameters required by the Permit.

Information available to Waterkeeper indicates that the Facility has failed to collect the required number of storm water samples every year for at least the last 5 years. In fact, information available to Waterkeeper suggests that the Facility has collected only a single sample during that time—a sample that, as described above, contained massive exceedances of the only two parameters analyzed. Waterkeeper understands that rain events in Southern California are less common than in other parts of the State, and have been particularly so during the drought. However, it is highly suspect when a facility claims that it was unable to collect a single sample over 4 consecutive winters.

The Facility's reporting in inconsistent and confusing. For example, the Annual Report certified and signed by General Manager Mark Chuha on 7-1-14 contains contradictory information. The report initially indicates that no samples were collected during the reporting year because the responsible parties "overlooked" that core requirement of the Permit. However, Mr. Chuha also reports on Form 1 that all parameters were below 0.05 mg/L for both the first and second storm event of the year, which indicates that at least two samples were, in fact, collected and analyzed. The 2015-16 Annual Report also contains inconsistent information in that the Facility certified that it sampled the required number of storms during the reporting year, but only provided data for a single sample.

In addition to its limited collection of sampling, the Facility consistently fails to analyze samples for all parameters required by the Permit. As described above, there are three sets of parameters that the Facility is required to analyze—basic parameters (pH, TSS, SC, O&G and TOC), industry-specific parameters (SIC 3462 requires analysis of samples for Zn, Fe, N+N and Al) and site-specific parameters (Pb, Cu, Ni, Cr, Titanium and potentially others). Information

available to Waterkeeper indicates that the facility has largely failed to analyze storm water samples for even the basic parameters, and has never tested a single discharge for any metals.

Waterkeeper feels compelled to set the Facility's failure to sample for metals against the clear and convincing evidence that Ajax was well aware of the requirement to test for metals since as far back as 2002-2003. Page 1 of the Facility's Annual Reports from 2002-2003 (certified by Fred Goble) clearly identify the requirement that the Facility sample for industry-specific parameters, found in Table D of the 1997 Permit, including Zn, N+N, Fe and Al. Then again in the 2011-2012 Annual Report (certified by both Mark Chuha and Frank De La Riva) the Facility identifies four metals for which it must analyze all storm water samples on account of its SIC code. Furthermore, the NOV issued by the Regional Board in 2011 also informed the Facility of its failure to test samples for these parameters. Waterkeeper, therefore, alleges that Facility's failure to test for industry-specific metals has been knowing and willful.

Lastly, based on information available to Waterkeeper, Ajax has failed and continues to fail to conduct all required quarterly and/or monthly visual observations of unauthorized discharges. 1997 Permit, Section B(3); 2015 Permit, Section XI(A)(1). Additionally, the Facility has failed to provide the records required by the Permit for the monthly visual observations of storm water discharges in violation of Section B(4) of the 1997 Permit and Section XI(A)(3) of the 2015 Permit.

Ajax's failure to conduct sampling and monitoring as required by the General Industrial Permit demonstrates that it has failed to develop, implement, and/or revise a legally adequate M&RP, and is in violation of the Act. Every day that the Facility conducts operations in violation of the specific monitoring requirements of the Permit, or with an inadequately developed and/or implemented M&RP, is a separate and distinct violation of the Permit and the Act. Ajax has been in daily and continuous violation of the Permit's M&RP requirements every day since at least January 13, 2012. These violations are ongoing, and Waterkeeper will include additional violations when information becomes available.

D. Failure to Prepare, Implement, Review and Update an Adequate Storm Water Pollution Prevention Plan

Under the Permit, the State Board has designated the SWPPP as the cornerstone of compliance with NPDES requirements for storm water discharges from industrial facilities, and ensuring that operators meet effluent and receiving water limitations. Sections A(1) and E(2) of the 1997 Permit require dischargers to develop and implement a SWPPP prior to beginning industrial activities that meet all of the requirements of the 1997 Permit. The objective of the SWPPP requirement is to identify and evaluate sources of pollutants associated with industrial activities that may affect the quality of storm water discharges and authorized non-stormwater discharges from the facility, and to implement BMPs to reduce or prevent pollutants associated with industrial activities in storm water discharges and authorized non-stormwater discharges. 1997 Permit, Section A(2), 2015 Permit, Section X(C). These BMPs must achieve compliance with the Permit's discharge requirements. To ensure compliance with the Permit, the SWPPP must be evaluated and revised as necessary. 1997 Permit, Sections A(9)-(10), 2015 Permit, Section X(B). Failure to develop or implement an adequate SWPPP, or update or revise an existing SWPPP as required, is a violation of the General Permit. 2015 Permit Factsheet I(1).

Sections A(3)-A(10) of the 1997 Permit set forth the requirements for a SWPPP. Among other requirements, the SWPPP must include: a pollution prevention team; a site map; a list of significant materials handled and stored at the site; a description of potential pollutant sources; an assessment of potential pollutant sources; and a description of the BMPs to be implemented at the facility that will reduce or prevent pollutants in storm water discharges, including structural BMPs where non-structural BMPs are not effective. Sections X(D) – X(I) of the 2015 Permit set forth essentially the same SWPPP requirements, except that all dischargers are now required to develop and implement a set of minimum BMPs, as well as any advanced BMPs as necessary to achieve BAT/BCT, which serve as the basis for compliance with the 2015 Permit's technology-based effluent limitations. *See* 2015 Permit X(H). The 2015 Permit further requires a more comprehensive assessment of potential pollutant sources than the 1997 Permit; more specific BMP descriptions; and an additional BMP summary table identifying each identified area of industrial activity, the associated industrial pollutant sources, the industrial pollutants, and the BMPs being implemented. 2015 Permit X(G)(2), (4), (5).

The 2015 Permit requires dischargers to implement and maintain, to the extent feasible, all of the following minimum BMPs in order to reduce or prevent pollutants in industrial storm water discharges: good housekeeping, preventive maintenance, spill and leak prevention and response, material handling and waste management, erosion and sediment controls, an employee training program, and quality assurance and record keeping. 2015 Permit, Section X(H)(1). Failure to implement all of these minimum BMPs is a violation of the 2015 Permit. 2015 Permit Factsheet I(2)(o). The 2015 Permit further requires dischargers to implement and maintain, to the extent feasible, any one or more of the following advanced BMPs necessary to reduce or prevent discharges of pollutants in industrial storm water discharges: exposure minimization BMPs, storm water containment and discharge reduction BMPs, treatment control BMPs, and other advanced BMPs. 2015 Permit, Section X(H)(2). Failure to implement advanced BMPs as necessary to achieve compliance with either technology or water quality standards is a violation of the 2015 Permit. 2015 Permit, Section X(H)(2). The 2015 Permit also requires that the SWPPP include BMP Descriptions and a BMP Summary Table. 2015 Permit, Sections X(H)(4), (5).

Despite these clear SWPPP requirements, Ajax has been conducting and continues to conduct industrial operations at the Facility without a legally adequate SWPPP. The partial SWPPP on file with the Regional Board, signed by Mark Chuha on June 30, 2015, is woefully inadequate. The form appears to be a form provided by the State of Michigan to guide an owner/operator in the development a comprehensive pollution prevention plan for that State's NPDES permit. The document fails to meet even basic SWPPP requirements, and fails to include any of the following: accurate and complete descriptions of areas of industrial activity, identification of significant industrial materials, processes and potential sources of pollution, descriptions of minimum and/or advanced BMPs, and a site map with information necessary for pollution prevention planning.

E. Failure to File True and Correct Annual Reports

Section B(14) of the 1997 Permit requires a permittee to submit an Annual Report to the Regional Board by July 1 of each year. Section B(14) requires that the Annual Report include a summary of visual observations and sampling results, an evaluation of the visual observation and sampling results, the laboratory reports of sample analysis, the annual comprehensive site

compliance evaluation report, an explanation of why a permittee did not implement any activities required, and other information specified in Section B(13). The 2015 Permit includes the same annual reporting requirement. *See* 2015 Permit, Section XVI.

Ajax has failed and continues to fail to submit Annual Reports that comply with these reporting requirements. For example, in each Annual Report since the filing of the 2011-2012 Annual Report, the Facility certified that: (1) a complete Annual Comprehensive Site Compliance Evaluation was done pursuant to Section A(9) of the Storm Water Permit; (2) the SWPPP's BMPs address existing potential pollutant sources and additional BMPs are not needed; and (3) the SWPPP complies with the Storm Water Permit, or will otherwise be revised to achieve compliance. However, information available to Waterkeeper indicates that these certifications are erroneous. For example, as discussed above, storm water samples collected from the Facility contain concentrations of pollutants above Benchmarks and WQS, thus demonstrating that the SWPPP's BMPs do not adequately address existing potential pollutant sources.

Information available to Waterkeeper indicates that Ajax has submitted incomplete and/or incorrect Annual Reports that fail to comply with the Storm Water Permit. As such, Ajax is in daily violation of the Permit. Every day Ajax conducts operations at the Facility without reporting as required by the Permit is a separate and distinct violation of the Storm Water Permit and Section 301(a) of the Clean Water Act, 33 U.S.C. §1311(a). Ajax has been in daily and continuous violation of the Storm Water Permit's reporting requirements every day since at least January 13, 2012. These violations are ongoing, the 2015 Permit's annual reporting requirements are as stringent as the 1997 Permit requirements, and Waterkeeper will include additional violations when information becomes available, including specifically violations of the 2015 Permit reporting requirements. *See* 2015 Permit, Sections XII, XVI.

IV. Persons Responsible for the Violations

Waterkeeper puts Ajax on notice that it is the entity responsible for the violations described above. If additional corporate or natural persons are identified as also being responsible for the violations described herein, Waterkeeper puts Ajax on notice that it intends to include those persons in this action.

V. Name and Address of Noticing Party

Bruce Reznik
Executive Director
Los Angeles Waterkeeper
120 Broadway, Suite 105
Santa Monica, CA 90401

VI. Counsel

Please direct all communications to legal counsel retained by Waterkeeper for this matter:

Gideon Kracov
Law Office of Gideon Kracov

801 Grand Avenue, Floor 11
Los Angeles, CA 90017
gk@gideonlaw.net

VII. Penalties

Pursuant to Section 309(d) of the Act (33 U.S.C. § 1319(d)) and the Adjustment of Civil Monetary Penalties for Inflation (40 C.F.R. § 19.4) each separate violation of the Act subjects the Facility to a penalty of up to $37,500 per day per violation for all violations occurring since January XX, 2012, up to and including November 2, 2015, and up to $51,570 for violations occurring after November 2, 2015. In addition to civil penalties, Waterkeeper will seek injunctive relief to prevent further violations of the Act pursuant to Sections 505(a) and (d), and such other relief as permitted by law. *See* 33 U.S.C. §§ 1365(a), (d). Lastly, Section 505(d) of the Act permits prevailing parties to recover costs and fees, including attorneys' fees. *See* 33 U.S.C. § 1365(d).

Waterkeeper believes this Notice of Violations and Intent to File Suit sufficiently states grounds for filing suit. Waterkeeper intends to file a citizen suit under Section 505(a) of the Act against Ajax, the Facility and its agents for the above-referenced violations upon the expiration of the 60-day notice period. However, during the 60-day notice period, Waterkeeper would be willing to discuss effective remedies for the violations noted in this letter. If you wish to pursue such discussions in the absence of litigation, Waterkeeper suggests that you initiate those discussions within the next 20 days so that they may be completed before the end of the 60-day notice period as Waterkeeper does not intend to delay the filing of a complaint in federal court.

Sincerely,

Gideon Kracov
Lawyer for Los Angeles Waterkeeper

Attachment A – 2011 Notice of Violation issued by the Regional Board
Attachment B – Rain Event Summary for the Facility: 2012 through 2017

Cc: Loretta Lynch, U.S. Department of Justice
Gina McCarthy, U.S. Environmental Protection Agency
Alexis Strauss, U.S. Environmental Protection Agency (Region IX)
Thomas Howard, State Water Resources Control Board
Samuel Unger, Regional Water Quality Control Board (Region 4)

VIA U.S. CERTIFIED MAIL

Loretta Lynch, U.S. Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530-001

Gina McCarthy, Administrator
U.S. Environmental Protection Agency
William Jefferson Clinton Building
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Alexis Strauss, Acting Regional Administrator
U.S. Environmental Protection Agency Region IX
75 Hawthorne Street
San Francisco, California 94105

Thomas Howard, Executive Director
State Water Resources Control Board
P.O. Box 100
Sacramento, California 95812-0100

Samuel Unger, Executive Officer
LA Regional Water Quality Control Board
320 West Fourth Street, Suite 200
Los Angeles, CA 90013

Exhibit A

Californi Regional Water Quality Co rol Board
Los Angeles Region
320 W. 4th Street, Suite 200, Los Angeles, California 90013
(213) 576-6600 • FAX (213) 576-6640
http://www.waterboards.ca.gov/losangeles

Matthew Rodriquez
Secretary for
Environmental Protection

Edmund G. Brown Jr.
Governor

August 29, 2011

Mr. Frank De La Riva
Ajax Forge Co.
1956 East 48th
Los Angeles, Ca 90058

Certified Mail
Return Receipt Requested
Claim No. 7009 0820 0001 6811 7240

NOTICE OF VIOLATION: NPDES GENERAL PERMIT FOR STORM WATER DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITY (ORDER NO. 97-03-DWQ; NPDES NO. CAS000001), WDID #4 191000107

Dear Mr. De La Riva:

As the operator of an industrial facility (Ajax Forge Co.) located at 1956 East 48th Street in the City of Los Angeles, you are subject to requirements specified in a General Permit for *Storm Water Discharges Associated with Industrial Activities* (Permit). In order to certify your intent to comply with the Permit when discharging storm water from your industrial facility, you signed a Notice of Intent (NOI) that was processed on February 20, 1992. In signing the NOI, you certified to the State of California that you read the Permit and will comply with all requirements specified in the Permit.

As specified in the Permit, you are required to develop a Storm Water Pollution Prevention Plan (SWPPP) in which the Permittee must identify potential sources of pollution and describe specific best management practices (BMPs) that shall be implemented to eliminate or reduce storm water pollution from the facility.

On August 3, 2011, Regional Board staff, Mr. Sean Lee and Regional Board intern Luz Vargas inspected the facility to determine compliance with the Permit. During the inspection, staff met with you, requested to review the Storm Water Pollution Prevention Plan (SWPPP), and walked through the facility. The preliminary findings of the inspection were discussed with you at the site, and the violations identified during the inspection are described below:

1. SWPPP:

- Your SWPPP was incomplete, and the monitoring program was not available at the facility (permit sections A & B).

2. BMPs:

2.1 Rusty machinery on the ground without any BMPs was noted (permit section A.8.b.i) (photographs 1 & 2).

2.2 Metal residues were on the ground without any BMPs (permit section A.8.a.i) (photographs 3, 4, & 5).

2.3 Exposed rusty oil drums were observed on the ground (permit section A.8.b.iv) (photographs 6 & 7).

To be in compliance with the provisions of the Permit, you are hereby required to:

1. Immediately update your SWPPP and retain at the facility a complete SWPPP. Your SWPPP must address all requirements in sections A.1 through A.10 of the permit.

2. Immediately develop, implement and retain at the facility a monitoring program. Your monitoring program must address all requirements in sections B.1 through B.10 of the permit.

3. Immediately implement BMPs for exposed oil drums, metal residues, and rusty metals on the ground.

You are required to submit a written response 1) confirming you have corrected these violations with a brief description of how you have corrected them, or 2) certify in your SWPPP that all corrective actions are implemented and are being monitored. Submit your written response by **September 29, 2011** to:

Sean Lee
Regional Water Quality Control Board- Los Angeles Region
320 W. 4th Street, Suite 200
Los Angeles, CA 90013- 2343

These violations of the Permit subject you to enforcement actions, including administrative civil liabilities up to $10,000 per day for each violation pursuant to California Water Code section 13385. The matter may be referred to the Attorney General for further enforcement. The Regional Board reserves its right to take any further enforcement action authorized by law.

If you have any questions regarding this matter, please contact Sean Lee at (213) 620-2207

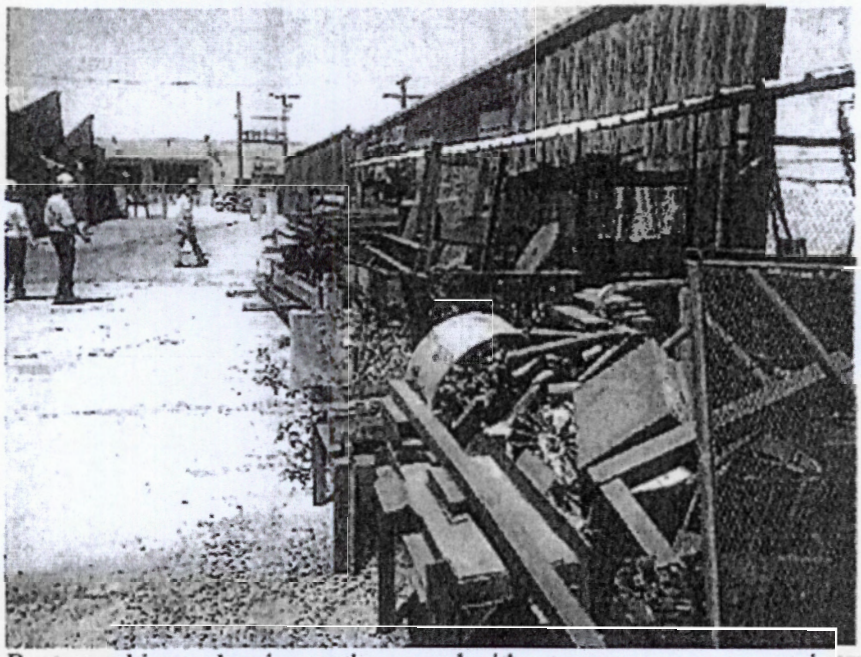
Sincerely,

Paula Rasmussen

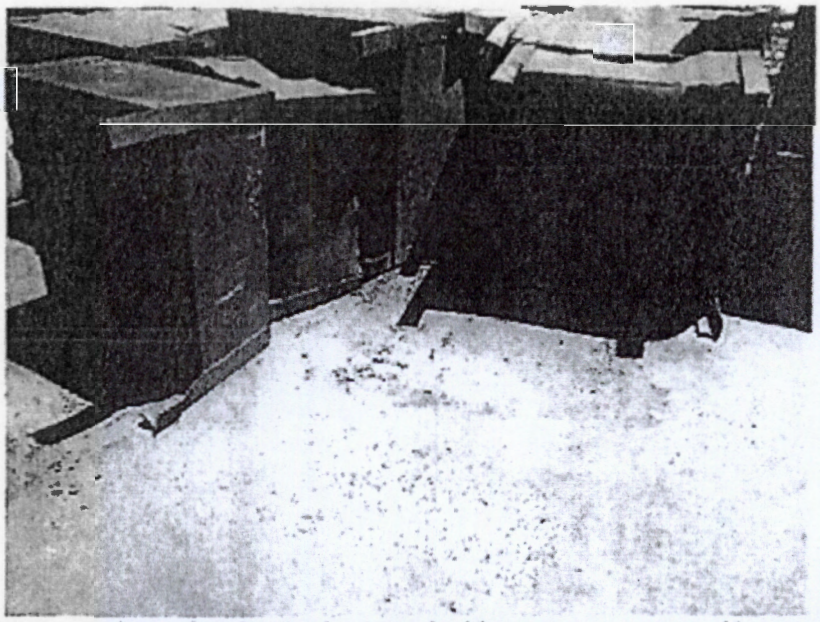
Paula Rasmussen, Chief
Compliance and Enforcement Section

cc: Steve Pederson, City of Los Angeles

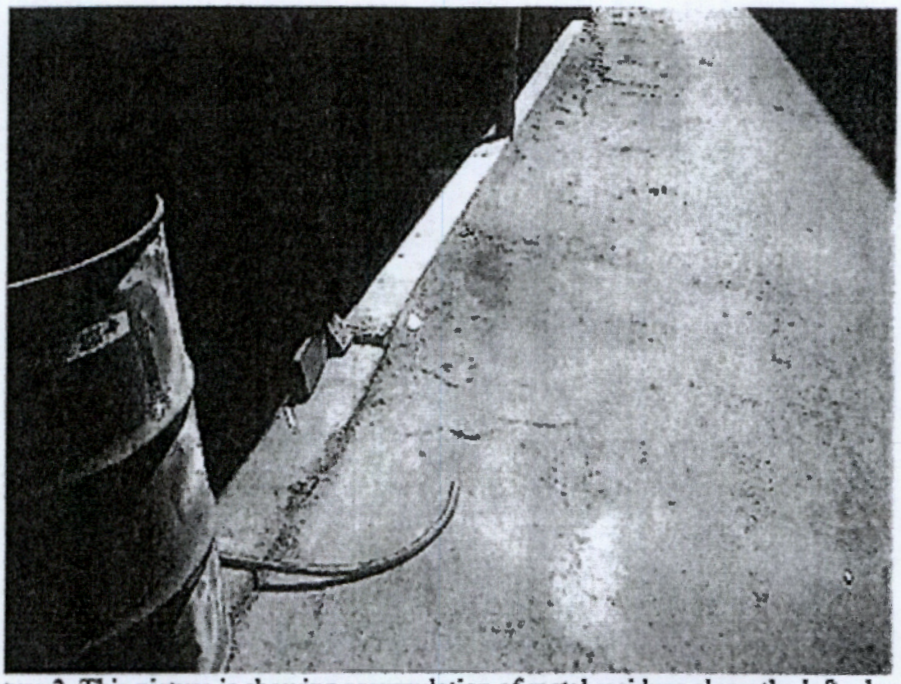
Facility WDID: 4 19 S 000107



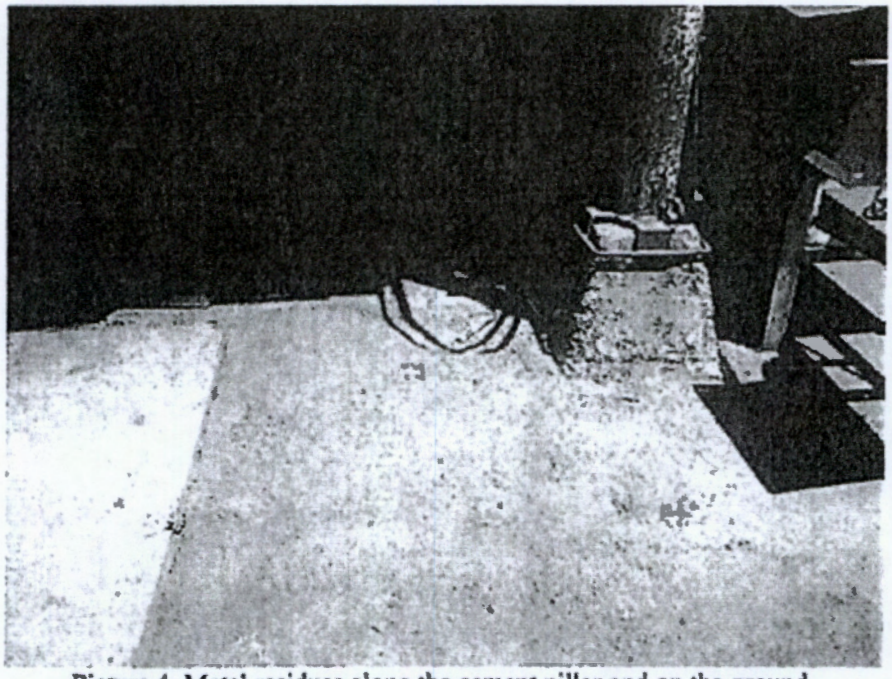
Picture 1. Rusty machinery showing on the ground without proper cover or containers (BMPs).



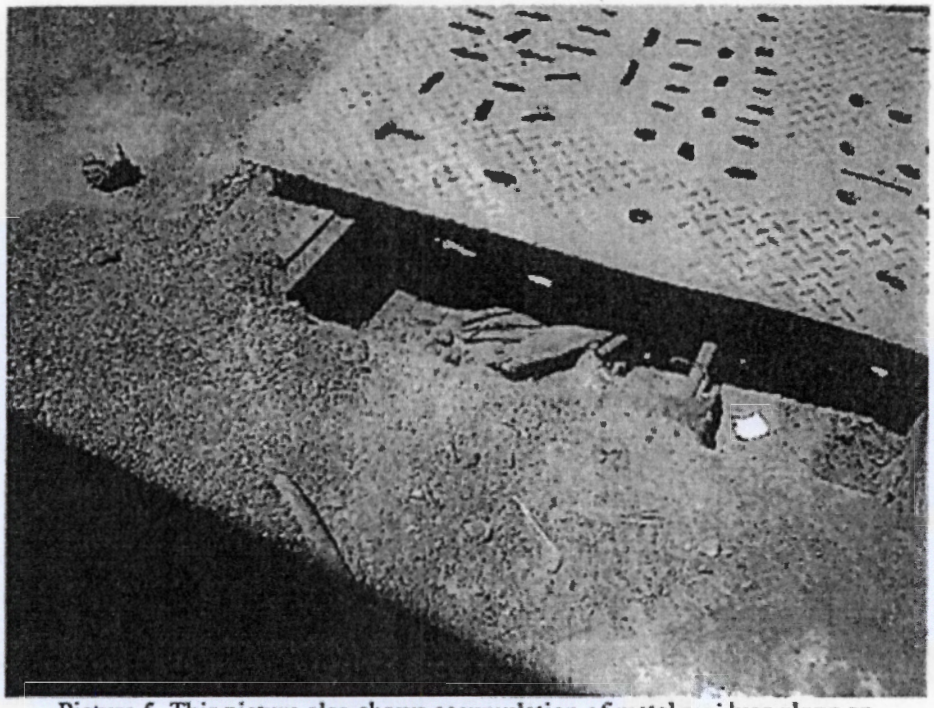
Picture 2. Rusty containers showing on the ground without proper cover and/or storage (BMPs).



Picture 3. This picture is showing accumulation of metal residues along the left edge of the pavement.

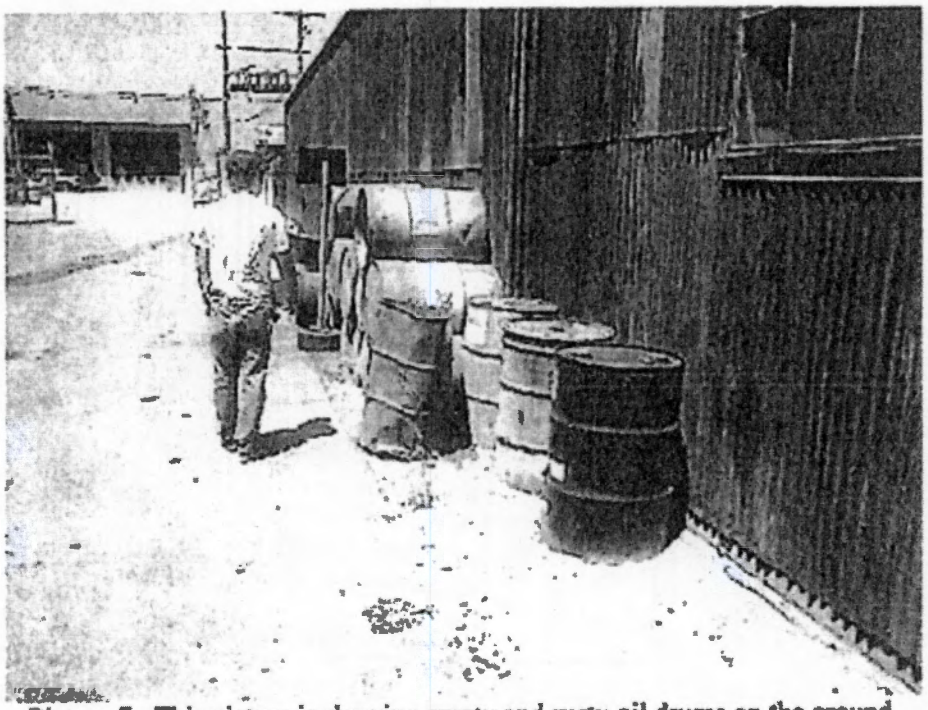


Picture 4. Metal residues along the cement pillar and on the ground.

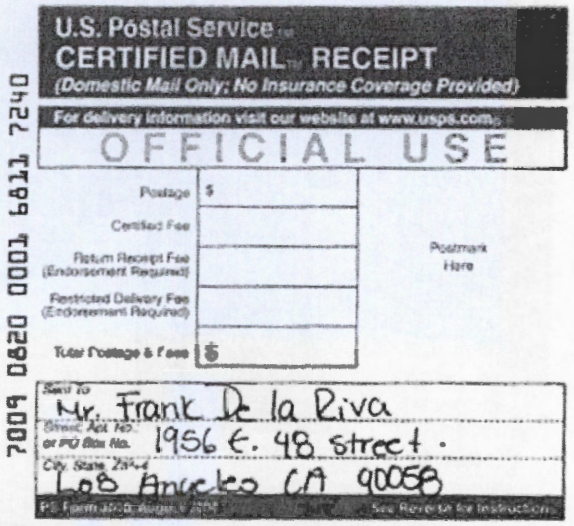


Picture 5. This picture also shows accumulation of metal residues along an unusable drain.

Picture 6. This picture is showing empty and rusty oil drums on the ground.



Picture 7. This picture is showing empty and rusty oil drums on the ground.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Restricted Delivery Fee (Endorsement Required)
Total Postage & Fees
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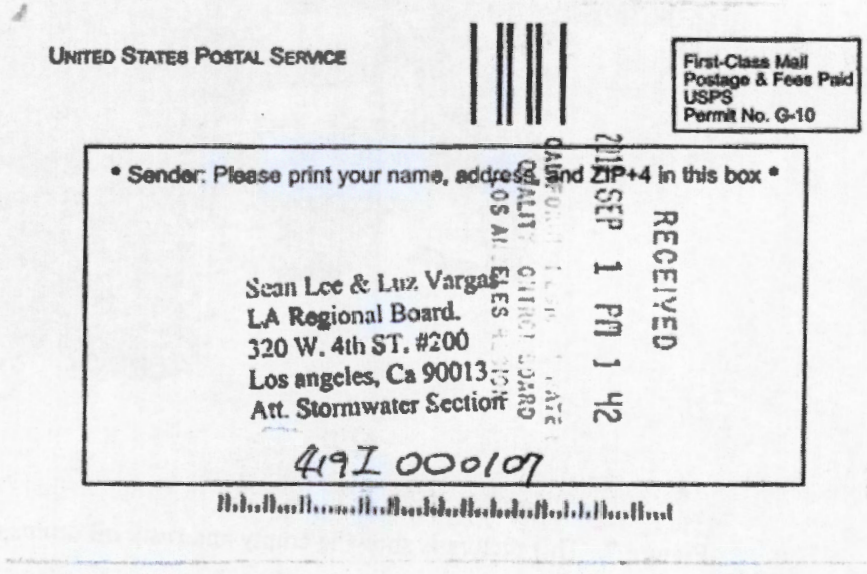
7009 0820 0001 6917 7240
Sent To
Mr. Frank De la Riva
Street, Apt. No.; or PO Box No. 1956 E. 48 street.
City, State, ZIP+4 Los Angeles CA 90058
See Reverse for Instructions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Sean Lee & Luz Vargas
LA Regional Board.
320 W. 4th ST. #200
Los angeles, Ca 90013
Att. Stormwater Section
491 000107
RECEIVED
2017 SEP 1 PM 1 42
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LOS ANGELES REGION

Exhibit B

STORM EVENT SUMMARY: January 2012-January 2017
Days with Rainfall above 0.1 inches

[Source: https://www.wunderground.com/history/airport/KCQT/2016/12/10/MonthlyHistory.html?req_city=Downtown+Los+Angeles&req_state=CA&req_statename=California&reqdb.zip=90014&reqdb.magic=2&reqdb.wmo=99999] last accessed 1/13/17

Date (mm/dd/yy)	Rainfall (inches)
01/21/12	0.68
01/23/12	0.62
02/15/12	0.13
03/17/12	0.75
03/25/12	0.91
04/10/12	0.15
04/11/12	0.58
04/13/12	0.49
04/25/12	0.20
04/26/12	0.29
11/17/12	0.28
11/29/12	0.21
11/30/12	0.46
12/03/12	0.19
12/18/12	0.43
12/24/12	0.46
12/26/12	0.33
12/29/12	0.45
01/06/13	0.12
01/24/13	0.79
01/25/13	0.17
02/19/13	0.18
03/08/13	0.49
05/06/13	0.69
11/21/13	0.29
11/29/13	0.23
12/19/13	0.11
02/02/14	0.14
02/27/14	1.05
02/28/14	2.24
03/01/14	1.00
03/02/14	0.17
04/01/14	0.25
10/31/14	0.25
11/01/14	0.18
11/30/14	0.30

12/02/14	1.21
12/02/14	0.31
12/12/14	1.60
12/16/14	0.41
12/17/14	0.15
12/30/14	0.19
01/10/15	0.48
01/11/15	0.50
02/22/15	0.70
02/28/15	0.11
03/01/15	0.66
03/02/15	0.21
04/07/15	0.13
05/08/15	0.18
05/14/15	0.69
09/15/15	2.39
10/05/15	0.40
12/13/15	0.16
12/19/15	0.26
01/05/16	1.61
01/06/16	0.80
01/07/16	0.30
01/31/16	0.43
02/17/16	0.58
02/18/16	0.21
03/06/16	0.64
03/07/16	0.38
03/11/16	0.52
04/08/16	0.14
10/17/16	0.34
11/20/16	0.55
11/21/16	0.20
11/26/16	0.13
12/15/16	0.43
12/16/16	1.28
12/21/16	0.50
12/22/16	0.27
12/23/16	1.41
12/24/16	0.14
12/30/16	0.39
01/05/17	0.35
01/09/17	0.77
01/11/17	0.36
01/12/17	1.13